CF-1002

(5)

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SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR [CHHATTISGARH]

**WRIT PETITION No.: - 318 / 2007.** **S.B.**

**PETITIONER: -** **Chhatisgarh Siksha Karmis Sangh,**
District Mahasamund (C.G. )
Having It's Reg. No.63/01/C.G.
Represented By its Regional Vice-President Mr. Keshav Ram Sahu,
Shiksha Karmis Grade-III,
Mahasamund,
District-Mahasamund (C.G.)

P.R. No. 2311/07
Presented by Sh. Kohapi
dated 5/11/07

**-: V E R S U S: -**

**RESPONDENTS: -**

1. **State of Chhattisgarh**
**Through the Secretary,**
C.G. Govt. Department of Panchayat & Gramin Vikas, D.K.S. Mantralaya Bhavan, Raipur, Distt. Raipur (C.G.)

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2. **The Director-Panchayat,**
Panchayat
D.K.S. Mantralaya,
Raipur (Chhattisgarh).

3. **The Collector,**
Mahasamund,
Distt.Mahasamund(Chhattisgarh).

06/11/07

4. **Chief Executive Officer,**
Jila Panchayat Mahasamund,
Distt.Mahasamund(Chhattisgarh).

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR THE ISSUANCE OF DIRECTION (S) OR ORDER (S).**

(76)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W. P. (s) No. 318 of 2007

Petitioner : Chhattisgarh Siksha Karmis Sangh
Versus
Respondents : State of Chhattisgarh & others

**Single Bench:** Hon'ble Mr. Justice Satish K. Agnihotri.

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Shri J.A. Lohani, Advocate for the Petitioner.
Smt. Anju Ahuja, Deputy Government Advocate for the respondents/State.

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ORDER

(Passed on 22nd Day of January, 2007)

1. This is a case, where the members of the Petitioner-Union are impugning the orders dated 6.12.2006 (Annexure P/1) passed by the Secretary, Government of Chhattisgarh, Panchayat and Rural Development Department in Case No. 227/B/Nyay./P/2005-06 and 5.10.2006 (Annexure P/2) passed by the Director, Panchayat, Chhattisgarh, Raipur in Appeals No. 62/B-121/05-06 and 60/B-121/05-06. The Director after having considered Schedule-4 of the Chhattisgarh Panchayat Karmi (Recruitment and Condition of Service) Rules, 1997 (hereinafter referred to as 'the Rules, 1997'), wherein under Schedule-4 it is clearly provided that for promotion to Shiksha Karmi Grade-2 from Shiksha Karmi Grade-3, the requirement of education is Bachelor degree and 7 years of teaching experience. The impugned orders provide for promotion in accordance with Schedule on subject-wise.

2. The petitioner-Union has impugned the orders on the ground that the rules as well as the notification dated 1st January, 1998

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(Annexure P/6) and the Circular dated 17.10.2005 (Annexure P/5) do not provide for subject-wise promotion.

3. I have gone through the orders, rules and relevant circulars. The rules and relevant circulars provide for educational qualification i.e. graduate degree and 7 years of teaching experience. The said rules and circulars do not provide that how the promotions of the Shiksha Karmi Grade-III would be made to Shiksha Karmi Grade-II. The director, having noted that the vacancies are subject-wise and teachers are also promoted subject-wise directed as above and held that the promotion list be prepared as subject-wise, so that the science teachers would also get advantage of promotion in their subjects.

4. In do not find any infirmity in the order of providing this method, by which the promotions have been made more effective and useful. If the promotions are not subject-wise there may be promotions on the basis of seniority or any other ground and the science teachers, who are required for teaching science subject, may not be promoted. This would not serve the purpose of promotions. Thus, no interference is warranted with the impugned orders.

5. The petition is, thus, devoid of merit and is accordingly dismissed.

Bablu

Sd/-
Satish K. Agnihotri
Judge